

# Exhibit 3

**From:** [Rahul Srinivas](#)  
**To:** [Calabrese, Christine](#); [Tsekerides, Theodore](#); [Perez, Alfredo](#); [Carlson, Clifford](#); [Crabtree, Austin](#); [Aquila, Elaina](#); [Delauney, Krystal](#); [Menon, Asha](#)  
**Cc:** [Greg Wolfe](#); [Matt Gauthier](#); [Harper, Ashley](#); [Davidson, Tad](#); [Bell, Brandon](#); [David Moosmann](#)  
**Subject:** RE: Sphere 3D- Deposition Schedule  
**Date:** Friday, November 17, 2023 2:12:00 PM

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Christine:

On Kevin Coker, Jeff Pratt, and Monica Xia, we were able to bring our witnesses to New York, for the ease of the parties, including from California and Canada. It is disappointing that you did not extend us the same courtesy. We are not going to force the estate to incur the unnecessary costs associated with dragging its litigation counsel to Seattle or even to Houston for one deposition. We will accordingly take Mr. Coker, Mr. Pratt, and Ms. Xia remotely, on the expectation that no counsel will be physically present with the witness during questioning. Please provide their availability, which should be wider now that we have made that compromise.

Below is our present understanding of the deposition schedule, with all in-person depositions to take place at Weil's office in New York, with the exception of the Gryphon deposition, which will take place at Hogan Lovells' office.

<b>Witness</b>	<b>Date</b>
Mike Levitt	November 29
Peter Tassiopoulos	December 1
Kurt Kalbfleisch	December 7
Alex Tierney	December 8
Russell Cann	December 11
Todd DuChene	December 12
Rob Chang	December 14
Patricia Trompeter	December 20; with December 21 as a date for continuation if Ms. Trompeter needs to end on December 20 early for health reasons.
Kevin Coker	TBD
Monica Xia	TBD
Jeff Pratt	TBD

In addition, we want to flag that we are going to notice the depositions of Ms. Rhynard and Ms. Carnevali. We may not need to ultimately take them depending on the course of the other deposition and do not anticipate they would be long in any event. We are willing to take them remotely.

We also include our proposal for a modified schedule below.

<b>Deadline</b>	<b>Proposed Date</b>
<b>Discovery</b>	
Deadline to complete all depositions of fact and 30(b) (6) witnesses.	Friday, December 22
<b>Pre-Trial and Trial</b>	
Parties to file motions <i>in limine</i> , if any.	Monday, January 8

Parties to file responses to motions in <i>limine</i> , if any.	Monday, January 15
Deadline to exchange Witness and Exhibit Lists and deposition designations.	Monday January 15
The Parties shall confer and file the Standard Joint Pretrial Statement and related attachments in accordance with Appendix C to the Local Rules no later than this date.	Wednesday, January 17
Deadline to file Witness Lists, Exhibit Lists, and Exhibits; Any Witness on a Witness List Not Previously Deposed Will Be Immediately Made Available For A Deposition PRE-TRIAL	Wednesday, January 17 at 12:00 p.m. (Central)
Pre-Trial Briefs	Monday, January 22
Final pre-trial conference	Friday, January 26 at 10:00 a.m. (Central)  Subject to confirming the Court's availability.
Trial	Tuesday January 30 – Thursday February 1

**Rahul Srinivas\***

Dontzin Nagy & Fleissig LLP  
 980 Madison Avenue  
 New York, NY 10075  
 (212) 717-2900  
 rsrinivas@dnfllp.com

\*Not yet admitted to practice in New York

**From:** Calabrese, Christine <Christine.Calabrese@weil.com>

**Sent:** Monday, November 13, 2023 9:32 AM

**To:** Rahul Srinivas <rsrinivas@dnfllp.com>; Tsekerides, Theodore <theodore.tsekerides@weil.com>; Perez, Alfredo <alfredo.perez@weil.com>; Carlson, Clifford <Clifford.Carlson@weil.com>; Crabtree, Austin <Austin.Crabtree@weil.com>; Aquila, Elaina <Elaina.Aquila@weil.com>; Delauney, Krystel <Krystel.Delauney@weil.com>; Menon, Asha <Asha.Menon@weil.com>

**Cc:** Greg Wolfe <greg@dnfllp.com>; Matt Gauthier <mgauthier@dnfllp.com>; Harper, Ashley <AshleyHarper@andrewskurth.com>; Davidson, Tad <TadDavidson@andrewskurth.com>; Bell, Brandon <BBell@hunton.com>

**Subject:** RE: Sphere 3D- Deposition Schedule

Rahul,

If you have a revised schedule in mind, please propose something for our review. We agree that there is a little more leeway on the deadline to complete depositions and would agree to extend that to December 22.

Core's witnesses are available as follows:

- Mike Levitt is available to be deposed at Weil's NY office on November 29.
- Todd DuChene is available to be deposed at Weil's NY office the week of December 11.
- Russell Cann is available to be deposed at Weil's NY office the week of December 11 (except not December 13).
- Kevin Coker is based in Texas. We are finalizing dates for his availability to be deposed at Weil's HO office.
- Jeff Pratt and Monica Xia are both based in Seattle and are available to be deposed there on December 4 and 5.

On Sphere's witnesses:

- We will agree to depose Mr. Tassiopoulos in New York on December 1.
- We will agree to depose Mr. Kalbfleisch in New York on December 7.
- You had proposed that Ms. Trompeter sit for a deposition during the week of December 11. If the deposition schedule extends a week, we suggest taking Ms. Trompeter's deposition in New York the week of December 18.
- Please provide dates in the last week of November or early December when Mr. Tierney is available to be deposed in New York.

On the Gryphon deposition, we agree that each side shall have 3.5 hours on the record with Mr. Chang.

#### **Christine Calabrese**

Weil, Gotshal & Manges LLP  
+ 1 212 310-8083 Direct  
+1 202 213-7892 Mobile

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**From:** Rahul Srinivas <[rsrinivas@dnfllp.com](mailto:rsrinivas@dnfllp.com)>

**Sent:** Thursday, November 9, 2023 3:59 PM

**To:** Tsekerides, Theodore <[theodore.tsekerides@weil.com](mailto:theodore.tsekerides@weil.com)>; Perez, Alfredo <[alfredo.perez@weil.com](mailto:alfredo.perez@weil.com)>; Carlson, Clifford <[Clifford.Carlson@weil.com](mailto:Clifford.Carlson@weil.com)>; Calabrese, Christine <[Christine.Calabrese@weil.com](mailto:Christine.Calabrese@weil.com)>; Crabtree, Austin <[Austin.Crabtree@weil.com](mailto:Austin.Crabtree@weil.com)>; Aquila, Elaina <[Elaina.Aquila@weil.com](mailto:Elaina.Aquila@weil.com)>; Delauney, Krystel <[Krystel.Delauney@weil.com](mailto:Krystel.Delauney@weil.com)>; Menon, Asha <[Asha.Menon@weil.com](mailto:Asha.Menon@weil.com)>

**Cc:** Greg Wolfe <[greg@dnfllp.com](mailto:greg@dnfllp.com)>; Matt Gauthier <[mgauthier@dnfllp.com](mailto:mgauthier@dnfllp.com)>; Harper, Ashley



<[AshleyHarper@andrewskurth.com](mailto:AshleyHarper@andrewskurth.com)>; Davidson, Tad <[TadDavidson@andrewskurth.com](mailto:TadDavidson@andrewskurth.com)>; Bell, Brandon <[BBell@hunton.com](mailto:BBell@hunton.com)>

**Subject:** Sphere 3D- Deposition Schedule

Christine –

I am writing, as we have yet to nail down some of the specifics on depositions and calendaring.

First, we still need to enter a new schedule. Given that trial has been moved to Jan 30 and the parties are not filing motions for summary judgment, there is time to build in for depositions in late December if needed.

Second, please let us know the availability of your witnesses, as we still do not have that information and need it for planning purposes.

Third, as for the Gryphon deposition, we propose splitting the time (3.5 hours per side).

Finally, as far as our witnesses:

- Alex Tierney lives in Stamford
- Our position is that any in person deposition of Kurt Kalbfleisch should take place on December 7 in New York, when he will be here anyway. It makes no sense to have the parties fly out to California for an in-person deposition.

**Rahul Srinivas\***

Dontzin Nagy & Fleissig LLP  
980 Madison Avenue  
New York, NY 10075  
(212) 717-2900  
[rsrinivas@dnfllp.com](mailto:rsrinivas@dnfllp.com)

\*Not yet admitted to practice in New York

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